

District of New Mexico

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

FEB 03 2021

Benjamin Hinds  
Plaintiff

MITCHELL R. ELFERS  
CLERK/mn

✓  
Carolyn Barela, et al.  
Defendant

Civil Action No.  
CV-20-01011 MV/JFR

### Motion: Default Judgment

Comes now, Plaintiff Benjamin Hinds in  
in Prose Respectfully requesting this court to grant this  
motion for Default Judgment against all Defendants  
listed. In support of this motion Plaintiff states  
the following:

- 1.) On October 2<sup>nd</sup> 2020 the Plaintiff filed a Prisoner's  
Civil Rights Complaint against the above named  
defendants. Stating claims of civil rights violations.  
Claim 1: Cruel and unusual Punishment of rights  
Secured in the 14<sup>th</sup> amendment Due Process clause by way  
of the 8<sup>th</sup> amendment. Claim 2: Deliberate indifference,  
negligence, negligent supervision. Claim 3: Deprivation  
of civil rights under 42 U.S.C 1983 by the above  
named defendants under the 8<sup>th</sup> and 14<sup>th</sup> amendment.
- 2.) On October 2<sup>nd</sup> 2020 Plaintiff filed motion of financial  
affidavit to process in forma pauperis

- 3.) on October 2<sup>nd</sup> 2020 Plaintiff filed motion for appointment of counsel,
- 4.) on October 6<sup>th</sup> 2020 Plaintiff received second order to cure Deficiency.
- 5.) on October 19<sup>th</sup> 2020 Plaintiff corrected financial affidavit with inmate account statement,
- 6.) on November 2<sup>nd</sup> 2020 Defendants and defendants attorney signed waiver of the service of summons and in doing so acknowledged that they must file and serve an answer or a motion under Rule 12 within 60 days from 11/02/2020, the date when this request was sent. If Defendants failed to do so, a default judgment will be entered against Defendants and defendants attorney.

It is for all the reasons outlined in this motion that I ask this court to grant this motion for Default Judgment and find in favor of Plaintiff and grant relief of all charges outlined in the original complaint. See (Doc.1)

Respectfully

Submitted

X Benjamin Hinds 1/29/2021

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing pleading document was mailed to:

United States District Court at  
District of New Mexico and  
333 Lomas Blvd, N.W. Suite 270 at  
Albuquerque, New Mexico and  
87102

On the 29<sup>th</sup> day of January, 2021.

Benjamin Hinds

Signature

6900 W. Millen Drive

(Address)

Hobbs NM.

88244

VERIFICATION

I, BENJAMIN HINDS, under penalty of perjury under the  
laws of the State of New Mexico state that the information contained therein is true and correct  
to the best of my knowledge

Benjamin Hinds  
Signature, Pro Se

